

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

JOSEPH M. CHAVIS, #122330

§

VS.

§

CIVIL ACTION NO. 6:17cv090

DIRECTOR, TDCJ-CID

§

MEMORANDUM OPINION ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

Petitioner Joseph M. Chavis, an inmate confined at the Coffield Unit of the Texas prison system (TDJC), proceeding *pro se*, filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 complaining of the legality of prison disciplinary measures taken against him. The petition was referred for findings of fact, conclusions of law, and recommendations for the disposition of the case.

After reviewing the pleadings in this case, the Magistrate Judge issued a Report, (Dkt. #21), recommending that Petitioner's petition for a writ of habeas corpus be dismissed with prejudice and that a certificate of appealability be denied. A copy of this Report was sent to Petitioner at his address; return receipt requested. The docket shows that Petitioner received a copy of the Report on July 31, 2017, (Dkt. #22). However, to date, no objections to the Report have been filed.

Accordingly, Petitioner is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly it is

ORDERED that the Report of the Magistrate Judge, (Dkt. #21), is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED that Petitioner's petition for a writ of habeas corpus is **DISMISSED** with prejudice. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So Ordered and Signed

Jun 4, 2018



Ron Clark, United States District Judge